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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,035	04/03/2001	Nobuyuki Tanaka	WN-2316	8744
21254	7590	06/23/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			FISH, JAMIESON W	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,035

Applicant(s)

TANAKA, NOBUYUKI

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-11-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims **1-12** and **14-24** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim **16** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The signal structure is a non-functional data structure and as such is nonstatutory. See MPEP 2106.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims **1, 12, 14-15, 17-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US 6,141,530) in view Hershey (US 5,544,077).
5. Regarding claim **1**, Rabowsky teaches a digital content reproducing system comprising: a content server which stores and manages a digital content of movies (See Fig. 1, File Server 16 and Distribution Archiving Storage System 18 and Col. 3 lines 28-46); and a projecting system which is connected to the content server via a network, receives the digital content from the content server via the network, and reproduces the digital content to show a movie (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50) wherein the projection system comprises a reproducing

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device which decodes signals (See Col. 10 lines 34-67, Col. 11 lines 1-53). Rawbosky fails to disclose a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device. However, data processing systems with standby processors that run the same processes as the primary and receive predetermined signals from the primary are well known in the art as taught by Hershey as prior art to his invention (See Col. 2 lines 28-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rabowsky to incorporate a backup reproducing device that performs the same processes as the reproducing device, including decoding signals, while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device as taught by Hershey to provide a highly reliable system for continuous availability of the data processing resource (See Hershey Col. 2 lines 28-30).

6. Regarding claim 12, Rabowsky teaches a digital content reproducing system comprising: a content server which stores and manages a digital content of movies (See Fig. 1, File Server 16 and Distribution Archiving Storage System 18 and Col. 3 lines 28-46); and a projecting system which is connected to the content server via a network wherein the projecting system receives digital content from the content server via the network and reproduces the digital content to show a movie, (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50) the projecting system comprising: a reproducing device which supplies signals to reproduce the digital content (See Col. 10 lines 34-67, Col. 11 lines 1-53). Rawbosky fails to disclose

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a backup reproducing device which supplies signals to reproduce the digital content when the reproducing device can not serve to reproduce digital content, wherein the backup reproducing device performs a decoding process of the digital content while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and the backup reproducing device starts processing the decoded digital content and supplying the signals to reproduce the movie in addition to the decoding process when the reproducing device stops sending the first predetermined signal. However, data processing systems with standby processors that run the same processes as the primary, receive predetermined signals from the primary indicating the status of the primary, and supply system output when the received signal indicates that the primary has failed are well known in the art as taught by Hershey as prior art to his invention (See Col. 2 lines 28-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rabowsky to incorporate a backup reproducing device that performs the same processes as the reproducing device, including decoding signals, while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device, and to supply signals when the primary device stop sending a first predetermined signal as taught by Hershey to provide a highly reliable system for continuous availability of the data processing resource (See Hershey Col. 2 lines 28-30).

7. Claim 14 recites limitations similar to claim 12 and is discussed and rejected according to claim 12.

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8. Regarding claim 15, claim 15 is a recording medium claim corresponding to apparatus claim 14, thus claim 15 is discussed and rejected according to claim 14.

9. Regarding claim 17, claim 17 is a program product claim corresponding to recording medium claim 15, thus claim 17 is discussed and rejected according to claim 15.

10. Regarding claim 18, Rabowsky modified with Hershey teaches wherein the backup reproduction device sends the decoded signals to the projecting system if the reproducing device stops send the first predetermined system (See Hershey Col. 2 lines 28-45).

11. Regarding claim 19, Rabowsky modified with Hershey teaches wherein the backup reproducing device sends a second predetermined signal to the reproducing device in response to the reproducing device stopping the sending of the first predetermined signal (See Hershey Col. 2 lines 28-45).

12. Regarding claim 20, Rabowsky modified with Hershey teaches wherein the reproducing device stops sending decoded signals in response to receiving the second predetermined signal (See Hershey Col. 2 lines 28-45).

13. Regarding claim 21, Rabowsky modified with Hershey teaches wherein the backup reproducing device decrypts signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device (See Rabowsky Col. 10 lines 34-67, Col. 11 lines 1-53 Reproducing and backup reproducing devices perform same processes; see discussion of claim 1).

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14. Regarding claim **22**, claim **22** has similar limitations to claim **1**, thus claim **22** is discussed and rejected according to claim **1**.

15. Regarding claim **23**, claim **23** has similar limitations to claim **18**, thus claim **23** is discussed and rejected according to claim **18**.

16. Regarding claim **24**, claim **24** has the same limitations of the backup reproduction system of claim **12** and thus is discussed and rejected according to claim **12**.

17. Regarding claim **25**, Rabowsky modified with Hershey teaches wherein the backup reproducing device decodes said signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device by decompressing said signals (See Rabowsky Col. 10 lines 34-67, Col. 11 lines 1-53 Reproducing and backup reproducing devices perform same processes; see discussion of claim **1**).

18. Claims **2-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Hershey and further in view of Takamori (US 5,287,186).

19. Regarding claim **2**, Rabowsky modified with Hershey teaches a mass memory unit which stores the digital content supplied via the network (See Fig 2 Storage/Playback System 62 and Col. 10 lines 12-25). Although Rabowsky modified with Hershey teaches that output is switched from the primary processor to the standby processor this switchover is not necessary accomplished through use of an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from an active one of the

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reproducing device and the backup reproducing device to produce the selected output signals. However, such an AV input switching device is well known in the art as taught by Takamori (See Fig. 1 Switching Portion 5 and Col. 3 lines 60-67, Col. 4 lines 1-2).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rabowsky and Hershey to include an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from an active one of the reproducing device and the backup reproducing device to produce the selected output signals as taught by Takamori so each reproducing device can be replaced without adversely affecting the operation of the other (See Takamori Col. 1 lines 28-48).

20. Regarding claim 3, Rabowsky modified with Hershey further modified with Takamori teaches wherein output signals supplied from the reproducing device are each separated into video signals and audio signals (See Rabowsky Fig. 2 DeMux/Motion Picture Decryptor 74 and Col 10 lines 54-59), and wherein the projecting system further comprises: a projecting device which receives the video signals and projects them on a screen (See Rabowsky Fig 2 Projector 88, Screen and Col 11 lines 10-30); and an audio processor which receives the audio signals device and outputs them to a loudspeaker (See Rabowsky Fig. 2 Audio Distribution Controller 84, Speakers 90 and Col 11 lines 60-65). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device and an AV input switching device, the projector and audio processor would receive output signals from the AV input switching device.

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21. Regarding claim 4, Rabowsky modified with Hershey further modified with Takamori teaches a reproducing device comprising: a decrypting module which is connected to the mass memory unit and decrypts the digital content received from the mass memory unit (See Rabowsky Fig. 2 DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); an AV separating module which receives the digital content from the decrypting module and separates them into the video signals and the audio signals (See Rabowsky DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the AV separating module and decodes them (See Rabowsky Fig 2 Motion Picture Decompressor and Col. 10 lines 55-67); a video signal output device which receives the decoded video signals from the video decoder and outputs them to the projector (See Rabowsky Figure 2, the connection between 86 and 88. This connection would be a conductive material capable of receiving and outputting signals); an audio decoder which receives the audio signals from the AV separating module and decodes them (See Rabowsky Fig 2 Audio Distribution Controller 84 and Col. 11 lines 1-10 and 61-67, and Col. 12 lines 1-7); and an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the Speakers (See Rabowsky Fig. 2, the connection between 84 and 90 This connection would be a conductive material capable of receiving and outputting signals). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device with the same elements as the primary reproducing device and an AV input switching device (Takamori Col 2 lines 16-26), the

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AV input switching device would receive output signals from the video output device and the audio output device.

22. Regarding claim 5, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal (See Hershey Col. 2 lines 28-45 Heartbeat Signal).

23. Regarding claim 6, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device sends a second predetermined signal, to instruct the reproducing device to stop, after the backup reproducing device starts the sending process (See Hershey Col. 2 lines 28-45).

24. Regarding claim 7, Rabowsky modified with Hershey further modified with Takamori teaches wherein the digital content is individually supplied in the form of audio and video data (See Takamori Fig. 1 Video and Audio are individually supplied both to blocks 1 and 3 from source and to switching portion 5 from blocks), and wherein the reproducing device and the backup reproducing device comprise the same elements (See Takamori Fig. 1 and Col. 2 lines 4-26) and each of the devices comprises a video data processing section and an audio processing section (See Takamori Fig. 1 and Col. 2 lines 4-26), the video data processing section comprising: a first decrypting module

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which is connected to the mass memory unit and decrypts the video data received from the mass memory unit (See Rabowsky Fig 2. Demux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the decrypting module and decodes them (See Rabowsky Fig. 2 Motion Picture Decompressor and Col. 10 lines 59-65); a video signal output device which receives the decoded video signals from the video decoder and outputs them AV input switching device (See Takamori Fig. 1 The connection between 13 and 5. This connection is a conductive material capable of receiving and outputting signals), the audio data processing section comprising: a second decrypting module which is connected to the mass memory unit and decrypts the audio data received from the mass memory unit (See Rabowsky Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); an audio decoder which receives the audio signals from the second encrypting module and decodes them (See Rabowsky Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); and an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the AV input switching device (See Takamori Fig. 1 the connection between 15 and 5 This connection is a conductive material capable of receiving and outputting signals).

25. Regarding claim 8, Rabowsky modified with Hershey further modified with Takamori teaches wherein the video signal output device supplies the decoded video signals to the projecting device other than through the AV input switching device (See Rabowsky Fig. 2 The connections between 86 and 88 and between 82 and 84) and/or

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the audio signal output device supplies the decoded audio signal to the audio processor other than through the AV input switching device (See Rabowsky Fig. 2 The connections between 86 and 88 and between 82 and 84).

26. Regarding claim **9**, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal (See Hershey Col. 2 lines 28-45 Heartbeat Signal).

27. Regarding claim **10**, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device sends a second predetermined signal, to instruct the reproducing device to stop, after the backup reproducing device starts the sending process (See Hershey Col. 2 lines 28-45).

28. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Hershey and further in view of Morey (US 2003/2026635).

29. Regarding claim **11**, Rabowsky modified with Hershey differs from the claimed invention in that there is not necessarily a content server located at the institution to show movies. However, digital cinema systems wherein there is both a content server at a remote location and a content server, a projecting system, and a network located in an institution to show movies are well known in the art as taught by Morey (See Fig. 2

and 7B Theater Storage Device, Theatre Subsystem 136 and Paragraphs 27, 50, and 95). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rabowsky so that there was a content server at the theatre as taught by Morey so that any movie may be played on any projector within the theatre (See Morey Paragraph 50).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

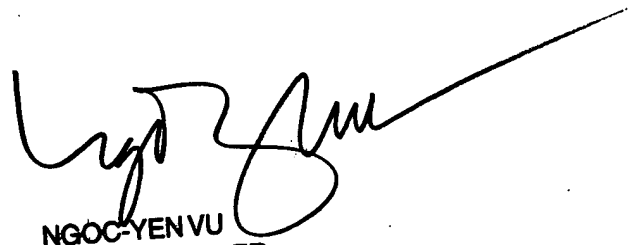
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 6/21/2005



NGOC-YEN VU
PRIMARY EXAMINER